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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,539	05/31/2006	Harald Chrobaczek	HF/15-22910/A/PCT	6015
324	7590	12/31/2007	EXAMINER	
JoAnn Villamizar			LOEWE, ROBERT S	
Ciba Corporation/Patent Department				
540 White Plains Road			ART UNIT	
P.O. Box 2005			PAPER NUMBER	
Tarrytown, NY 10591			1796	
			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,539	Applicant(s) CHROBACZEK ET AL.	
	Examiner Robert Loewe	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Meissner et al. (DE 19652524). For convenience, the machine translated English language equivalent will be relied upon. However, this translation does not provide the structures as found in the original German patent. In such cases where structural information is required, the German patent will be relied upon in the citation.

Claims 1-6: Meissner et al. teaches the polyorganosiloxane having formula (I) of instant claim 1 (abstract and structure on page 3 of DE 19652524). Meissner et al. further teaches that the concentration of nitrogen can be from 0.05 to 1.5 weight percent, related to the total composition of the polymer of formula (I) (page 4, lines 9-10 of machine-translation)

Claim 7: Meissner et al. further teaches that the sum of k, m, and q is between 25 and 900, which partially encompasses the claimed sum of instant claim 7 (page 4, line 7 of machine-translation).

Claim 8: Meissner et al. further teaches the polysiloxane composition of claim 1 comprising adjuvants (page 4, lines 11-15).

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Claim 9: Meissner et al. further teaches a composition comprising the polysiloxane composition of claim 1, whereby the said polysiloxane composition is present at 2-60 weight % (page 3, bottom 4 lines).

Claim 10: Meissner et al. further teaches the composition of instant claim 8 further comprising at least one fabric softener such as fatty alcohols (page 5, paragraph 4). Fatty alcohols are defined in the instant specification as being able to serve as a fabric softener.

Claim 11: Meissner et al. further teaches that the fabric softening component is present within the claimed range of instant claim 11 (page 4, middle of page).

Claim 12: Meissner et al. further teaches other additives which are customary for standard commercial fabric softening compositions (page 4, components 1-5).

Claim 13: Meissner et al. further teaches the composition of instant claim 8, further comprising 25-90% water (page 4, component 5).

Claim 14: Meissner et al. further teaches a pH value of 5 (page 14, last paragraph) which encompasses the claimed pH range of instant claim 14.

Claim 16: Meissner et al. further teaches a method for the treatment of a textile material, which comprises contacting said material with the composition of instant claim 8 (page 14, middle of page).

Claim 17: Meissner et al. further teaches the method of instant claim 16 can further comprises a fabric softener (page 5, paragraph 4).

Claim 18: Meissner et al. further teaches the method of instant claim 17 further comprising other additives which are customary for standard commercial fabric softening compositions (page 4, components 1-5).

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Relevant Art Cited

The prior art made of record and not relied upon but is considered pertinent to applicants disclosure can be found on the attached PTO-892 form.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Loewe whose telephone number is (571) 270-3298. The examiner can normally be reached on Monday through Friday from 9:30 AM to 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSL
27-Nov-07


MARK EASHOO, PH.D.
SUPERVISORY PATENT EXAMINER

26/ Dec/07